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JUL - 5 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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11
12 IN THE UNITED STATES DISTRICT COURT
13
14 FOR THE DISTRICT OF NEVADA
15

16 UNION PACIFIC RAILROAD COMPANY, a
17 Delaware corporation,

18 Plaintiff,

19 v.

20 WINECUP GAMBLE, INC., a Nevada
21 corporation; and PAUL FIREMAN, an
22 individual,

23 Defendants.

Case No. 3:17-cv-00477-LRH-VPC

**STIPULATION AND ORDER TO
VACATE CASE MANAGEMENT
CONFERENCE**

24 Plaintiff UNION PACIFIC RAILROAD COMPANY ("Plaintiff"), Defendant WINECUP
25 GAMBLE, INC. ("Winecup"), and Defendant PAUL FIREMAN (collectively, "Defendants")
26 hereby submit the following Joint Case Management Report ahead of the case management
27 conference scheduled for July 9, 2018 at 10:00 a.m.

28 The following discovery has been performed to date:

1. Defendant Fireman served Plaintiff with his First Set of Discovery Requests, consisting of interrogatories and requests for production of documents on December 18, 2017.
2. Plaintiff provided responses to the interrogatories and requests for production of documents on January 29, 2018.

1 3. Due to objections to many of the requests for production of documents, the parties
2 held a telephonic meet and confer on February 2, 2018.

3 4. Plaintiff made an initial production of 72 documents (bates range UP-004880
4 through UP-006265) in response to the requests for production of documents on April 13, 2018,
5 none of which were email correspondence.

6 5. On March 6, 2018, Plaintiff served Defendant Winecup Gamble, Inc. with its first
7 set of interrogatories and requests for production of documents. The responses were submitted on
8 April 12, 2018. A first set of documents were produced on Friday, May 11, 2018, a second set of
9 responses, consisting of videos, on Tuesday, May 15, 2018, and a final set on July 3, 2018.

10 6. Defendants took the 30(b)(6) deposition of the the Nevada Division of Water
11 Resources on April 18, 2018. The Nevada Division of Water Resources disclosed documents to
12 Defendants prior to that deposition, but did not provide the documents to Plaintiff until the
13 deposition began. Plaintiff has since received those documents, but objected to the late disclosure
14 because it hindered Union Pacific's ability to depose the witnesses since the nature of the
15 testimony stressed the content and specifics of many of the documents.

16 7. The parties held a telephone conference on May 9, 2018, and discussed a number
17 of outstanding discovery issues, including the status of Defendants' initial disclosures and
18 document responses to Plaintiff's request for production of documents, clarification of Plaintiff's
19 supplemental disclosure and amended interrogatories, and potential future site visits.

20 8. The parties met again telephonically on May 31, 2018 concerning search terms,
21 expert disclosures, and production of documents. Winecup Gamble raised the concern that the
22 issue of search terms was being raised for the first time five and a half months after the request
23 for production was served and that the delay of the document production was prejudicial to
24 Winecup Gamble. Union Pacific stated that it thought the issue of search terms had been raised
25 earlier and was seeking to correct the oversight. Union Pacific stated it was attempting to respond
26 in a diligent fashion, but the amount of documents to review is voluminous. Union Pacific stated
27 that it had narrowed its list of custodians to thirteen individuals and developed a list of proposed
28

1 search terms and date ranges, and estimated at that time that it would take until the end of June to
2 produce documents.

3 9. On June 4, 2018, the parties attended a monthly case management conference with
4 the Honorable Magistrate Judge Cooke and discussed the status of discovery; upon the parties'
5 request, the Court agreed to extend discovery deadlines by ninety days. The Court also discussed
6 the transition of the case between magistrate judges in the wake of Magistrate Judge Cooke's
7 retirement, and the parties and Court agreed to set monthly case management conferences through
8 the end of the year. The Court advised the parties to use the August case management conference
9 to educate the new magistrate judge on the status of the case.

10 10. Since that time, the parties have been corresponding concerning agreed-upon
11 search terms related to Plaintiff's electronic correspondence production. The parties have reached
12 partial agreement on search terms. The agreed upon search terms have resulted in 18,211
13 potential hits (before de-duplication) from thirteen custodians from roughly a two-month time
14 frame following the incident in question. These documents are currently being reviewed in-house
15 by Plaintiff's eDiscovery team and will be reviewed a second time by litigation counsel before
16 being produced. Plaintiff now anticipates disclosing these documents to Defendants on or around
17 July 20, 2018, barring any unforeseen circumstances.

18 11. The parties are still working to narrow a second set of search terms.

19 Accordingly, the parties have no issues to bring before the Court at this time and
20 respectfully request the case management conference scheduled for Monday, July 9, 2018 at
21 10:00 a.m. be vacated.

22 STIPULATED AND AGREED to on this 3rd day of July, 2018.

23 Respectfully submitted,

Respectfully submitted,

24 PARSONS BEHLE & LATIMER

SNELL & WILMER, L.L.P.

25 /s/ Ashley C. Nikkel

/s/ Michael R. Menssen

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6 IT IS SO ORDERED.

7 DATED: 7/5/18



9 Valerie P. Cooke, United States Magistrate Judge